

**BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

DENISE PETROVICH TREJO  
430 Escondido Avenue  
Vista, CA 92083

Registered Nurse License No. 503248

Respondent.

Case No. 2008-139

**DECISION AND ORDER**

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on June 18, 2008.

It is so ORDERED May 19, 2008.

*LaTranene W Tate*

\_\_\_\_\_  
FOR THE BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS

1 EDMUND G. BROWN JR., Attorney General  
of the State of California  
2 LINDA K. SCHNEIDER, State Bar No. 101336  
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Legal Analyst  
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8 Attorneys for Complainant

9 **BEFORE THE**  
10 **BOARD OF REGISTERED NURSING**  
11 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2008-139

13 DENISE PETROVICH TREJO  
14 430 Escondido Avenue  
Vista, CA 92083

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

15 Registered Nurse License No. 503248

16 Respondent.

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18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the  
19 above-entitled proceedings that the following matters are true:

20 PARTIES

21 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) is the Executive Officer of  
22 the Board of Registered Nursing. She brought this action solely in her official capacity and is  
23 represented in this matter by Edmund G. Brown Jr., Attorney General of the State of California,  
24 by Amanda Dodds, Legal Analyst.

25 2. Denise Petrovich Trejo (Respondent) is representing herself in this  
26 proceeding and has chosen not to exercise her right to be represented by counsel.

27 3. On or about September 9, 1994, the Board of Registered Nursing issued  
28 Registered Nurse License No. 503248 to Respondent. The Registered Nurse License was in full

1 force and effect at all times relevant to the charges brought in Accusation No. 2008-139 and will  
2 expire on November 30, 2009, unless otherwise renewed.

### 3 JURISDICTION

4 4. Accusation No. 2008-139 was filed before the Board of Registered  
5 Nursing (Board), Department of Consumer Affairs, and is currently pending against Respondent.  
6 The Accusation and all other statutorily required documents were properly served on Respondent  
7 on October 30, 2007. Respondent timely filed her Notice of Defense contesting the Accusation.  
8 A copy of Accusation No. 2008-139 is attached as Exhibit A and is incorporated herein by  
9 reference.

### 10 ADVISEMENT AND WAIVERS

11 5. Respondent has carefully read, and understands the charges and allegations  
12 in Accusation No. 2008-139. Respondent has also carefully read, and understands the effects of  
13 this Stipulated Settlement and Disciplinary Order.

14 6. Respondent is fully aware of her legal rights in this matter, including the  
15 right to a hearing on the charges and allegations in the Accusation; the right to be represented by  
16 counsel at her own expense; the right to confront and cross-examine the witnesses against her;  
17 the right to present evidence and to testify on her own behalf; the right to the issuance of  
18 subpoenas to compel the attendance of witnesses and the production of documents; the right to  
19 reconsideration and court review of an adverse decision; and all other rights accorded by the  
20 California Administrative Procedure Act and other applicable laws.

21 7. Respondent voluntarily, knowingly, and intelligently waives and gives up  
22 each and every right set forth above.

### 23 CULPABILITY

24 8. Respondent admits the truth of each and every charge and allegation in  
25 Accusation No. 2008-139.

26 9. Respondent agrees that her Registered Nurse License is subject to  
27 discipline and she agrees to be bound by the Board of Registered Nursing's imposition of  
28 discipline as set forth in the Disciplinary Order below.

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10. This stipulation shall be subject to approval by the Board of Registered Nursing. Respondent understands and agrees that counsel for Complainant and the staff of the Board of Registered Nursing may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent. By signing the stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

11. The parties understand and agree that facsimile copies of this Stipulated Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

12. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

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IT IS HEREBY ORDERED that Registered Nurse License No. 503248 issued to Respondent Denisc Petrovich Trejo is revoked. However, the revocation is stayed and Respondent is placed on probation for three (3) years on the following terms and conditions.

**Severability Clause.** Each condition of probation contained herein is a separate and distinct condition. If any condition of this Order, or any application thereof, is declared unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other applications thereof, shall not be affected. Each condition of this Order shall separately be valid and enforceable to the fullest extent permitted by law.

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1                   1.       **Obey All Laws.** Respondent shall obey all federal, state and local laws.  
2 A full and detailed account of any and all violations of law shall be reported by Respondent to  
3 the Board in writing within seventy-two (72) hours of occurrence. To permit monitoring of  
4 compliance with this condition, Respondent shall submit completed fingerprint forms and  
5 fingerprint fees within 45 days of the effective date of the decision, unless previously submitted  
6 as part of the licensure application process.

7                   **Criminal Court Orders:** If Respondent is under criminal court orders, including  
8 probation or parole, and the order is violated, this shall be deemed a violation of these probation  
9 conditions, and may result in the filing of an accusation and/or petition to revoke probation.

10                  2.       **Comply with the Board's Probation Program.** Respondent shall fully  
11 comply with the conditions of the Probation Program established by the Board and cooperate  
12 with representatives of the Board in its monitoring and investigation of the Respondent's  
13 compliance with the Board's Probation Program. Respondent shall inform the Board in writing  
14 within no more than 15 days of any address change and shall at all times maintain an active,  
15 current license status with the Board, including during any period of suspension.

16                       Upon successful completion of probation, Respondent's license shall be fully  
17 restored.

18                  3.       **Report in Person.** Respondent, during the period of probation, shall  
19 appear in person at interviews/meetings as directed by the Board or its designated  
20 representatives.

21                  4.       **Residency, Practice, or Licensure Outside of State.** Periods of  
22 residency or practice as a registered nurse outside of California shall not apply toward a reduction  
23 of this probation time period. Respondent's probation is tolled, if and when she resides outside  
24 of California. Respondent must provide written notice to the Board within 15 days of any change  
25 of residency or practice outside the state, and within 30 days prior to re-establishing residency or  
26 returning to practice in this state.

27                       Respondent shall provide a list of all states and territories where she has ever been  
28 licensed as a registered nurse, vocational nurse, or practical nurse. Respondent shall further

1 provide information regarding the status of each license and any changes in such license status  
2 during the term of probation. Respondent shall inform the Board if she applies for or obtains a  
3 new nursing license during the term of probation.

4           **5. Submit Written Reports.** Respondent, during the period of probation,  
5 shall submit or cause to be submitted such written reports/declarations and verification of actions  
6 under penalty of perjury, as required by the Board. These reports/declarations shall contain  
7 statements relative to Respondent's compliance with all the conditions of the Board's Probation  
8 Program. Respondent shall immediately execute all release of information forms as may be  
9 required by the Board or its representatives.

10           Respondent shall provide a copy of this Decision to the nursing regulatory agency  
11 in every state and territory in which she has a registered nurse license.

12           **6. Function as a Registered Nurse.** Respondent, during the period of  
13 probation, shall engage in the practice of registered nursing in California for a minimum of 24  
14 hours per week for 6 consecutive months or as determined by the Board.

15           For purposes of compliance with the section, "engage in the practice of registered  
16 nursing" may include, when approved by the Board, volunteer work as a registered nurse, or  
17 work in any non-direct patient care position that requires licensure as a registered nurse.

18           The Board may require that advanced practice nurses engage in advanced practice  
19 nursing for a minimum of 24 hours per week for 6 consecutive months or as determined by the  
20 Board.

21           If Respondent has not complied with this condition during the probationary term,  
22 and Respondent has presented sufficient documentation of her good faith efforts to comply with  
23 this condition, and if no other conditions have been violated, the Board, in its discretion, may  
24 grant an extension of Respondent's probation period up to one year without further hearing in  
25 order to comply with this condition. During the one year extension, all original conditions of  
26 probation shall apply.

27           **7. Employment Approval and Reporting Requirements.** Respondent  
28 shall obtain prior approval from the Board before commencing or continuing any employment,

1 paid or voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all  
2 performance evaluations and other employment related reports as a registered nurse upon request  
3 of the Board.

4 Respondent shall provide a copy of this Decision to her employer and immediate  
5 supervisors at the nurse registry, Just in Time Staffing, and at Saddleback Memorial Medical  
6 Center, prior to commencement of any nursing or other health care related employment.

7 In addition to the above, Respondent shall notify the Board in writing within  
8 seventy-two (72) hours after she obtains any nursing or other health care related employment.  
9 Respondent shall notify the Board in writing within seventy-two (72) hours after she is  
10 terminated or separated, regardless of cause, from any nursing, or other health care related  
11 employment with a full explanation of the circumstances surrounding the termination or  
12 separation.

13 8. **Supervision.** Respondent shall obtain prior approval from the Board  
14 regarding Respondent's level of supervision and/or collaboration before commencing or  
15 continuing any employment as a registered nurse, or education and training that includes patient  
16 care.

17 Respondent shall practice only under the direct supervision of Jeanne Caldwell, or  
18 any other registered nurse who occupies that same position, who is in good standing (no current  
19 discipline) with the Board of Registered Nursing, at Saddleback Memorial Medical Center, in the  
20 Medical/Surgical/Telemetry Department, unless alternative methods of supervision and/or  
21 collaboration (e.g., with an advanced practice nurse or physician) are approved.

22 Respondent's level of supervision and/or collaboration may include, but is not  
23 limited to the following:

24 (a) Maximum - The individual providing supervision and/or collaboration is  
25 present in the patient care area or in any other work setting at all times.

26 (b) Moderate - The individual providing supervision and/or collaboration is in  
27 the patient care unit or in any other work setting at least half the hours Respondent works.

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1 (c) Minimum - The individual providing supervision and/or collaboration has  
2 person-to-person communication with Respondent at least twice during each shift worked.

3 (d) Home Health Care - If Respondent is approved to work in the home health  
4 care setting, the individual providing supervision and/or collaboration shall have person-to-  
5 person communication with Respondent as required by the Board each work day. Respondent  
6 shall maintain telephone or other telecommunication contact with the individual providing  
7 supervision and/or collaboration as required by the Board during each work day. The individual  
8 providing supervision and/or collaboration shall conduct, as required by the Board, periodic, on-  
9 site visits to patients' homes visited by Respondent with or without Respondent present.

10 9. **Employment Limitations.** Respondent shall work through Just in Time  
11 Staffing (Registry) where she is currently employed, and through that registry she will work  
12 solely at Saddleback Memorial Medical Center located at 24451 Health Center Drive, Laguna  
13 Hills, California 92653; (949) 837-4500; and only in the Medical/Surgical/Telemetry  
14 Department. Respondent shall not work for any other registry or accept any other placement  
15 through the registry. Respondent's employment at any location other than at Saddleback  
16 Memorial Medical Center's Medical/Surgical/Telemetry Department shall constitute a violation  
17 of probation. Any other employment shall require approval of the Board.

18 Respondent shall not work for a licensed home health agency as a visiting nurse  
19 unless the registered nursing supervision and other protections for home visits have been  
20 approved by the Board. Respondent shall not work in any other registered nursing occupation  
21 where home visits are required.

22 Respondent shall not work in any health care setting as a supervisor of registered  
23 nurses. The Board may additionally restrict Respondent from supervising licensed vocational  
24 nurses and/or unlicensed assistive personnel on a case-by-case basis.

25 Respondent shall not work as a faculty member in an approved school of nursing  
26 or as an instructor in a Board approved continuing education program.

27 Respondent shall work only on a regularly assigned, identified and predetermined  
28 worksite(s) and shall not work in a float capacity.



1           If Respondent is working or intends to work in excess of 40 hours per week, the  
2 Board may request documentation to determine whether there should be restrictions on the hours  
3 of work.

4           **10. Complete a Nursing Course(s).** Respondent, at her own expense, shall  
5 enroll and successfully complete a course(s) relevant to the practice of registered nursing no later  
6 than six months prior to the end of her probationary period.

7           Respondent shall obtain prior approval from the Board before enrolling in the  
8 course(s). Respondent shall submit to the Board the original transcripts or certificates of  
9 completion for the above required course(s). The Board shall return the original documents to  
10 Respondent after photocopying them for its records.

11           **11. Cost Recovery.** Respondent shall pay to the Board costs associated with  
12 its investigation and enforcement pursuant to Business and Professions Code section 125.3 in the  
13 amount of \$3,295.00. Respondent shall be permitted to pay these costs in a payment plan  
14 approved by the Board, with payments to be completed no later than three months prior to the  
15 end of the probation term.

16           If Respondent has not complied with this condition during the probationary term,  
17 and Respondent has presented sufficient documentation of her good faith efforts to comply with  
18 this condition, and if no other conditions have been violated, the Board, in its discretion, may  
19 grant an extension of Respondent's probation period up to one year without further hearing in  
20 order to comply with this condition. During the one year extension, all original conditions of  
21 probation will apply.

22           **12. Violation of Probation.** If Respondent violates the conditions of her  
23 probation, the Board, after giving Respondent notice and an opportunity to be heard, may set  
24 aside the stay order and impose the stayed revocation of Respondent's license.

25           If during the period of probation, an accusation or petition to revoke probation has  
26 been filed against Respondent's license or the Attorney General's Office has been requested to  
27 prepare an accusation or petition to revoke probation against Respondent's license, the

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1 probationary period shall automatically be extended and shall not expire until the accusation or  
2 petition has been acted upon by the Board.

3           13.     **License Surrender.** During Respondent's period of probation, if she  
4 ceases practicing due to retirement, health reasons or is otherwise unable to satisfy the conditions  
5 of probation, Respondent may surrender her license to the Board. The Board reserves the right to  
6 evaluate Respondent's request and to exercise its discretion whether to grant the request, or to  
7 take any other action deemed appropriate and reasonable under the circumstances, without  
8 further hearing. Upon formal acceptance of the tendered license and wall certificate, Respondent  
9 will no longer be subject to the conditions of probation.

10                   Surrender of Respondent's license shall be considered a disciplinary action and  
11 shall become a part of Respondent's license history with the Board. A registered nurse whose  
12 license has been surrendered may petition the Board for reinstatement no sooner than the  
13 following minimum periods from the effective date of the disciplinary decision:

14                   (1)     Two years for reinstatement of a license that was surrendered for any  
15 reason other than a mental or physical illness; or

16                   (2)     One year for a license surrendered for a mental or physical illness.

17           14.     **Physical Examination.** Within 45 days of the effective date of this  
18 Decision, Respondent, at her expense, shall have a licensed physician, nurse practitioner, or  
19 physician assistant, who is approved by the Board before the assessment is performed, submit an  
20 assessment of the Respondent's physical condition and capability to perform the duties of a  
21 registered nurse. Such an assessment shall be submitted in a format acceptable to the Board. If  
22 medically determined, a recommended treatment program will be instituted and followed by the  
23 Respondent with the physician, nurse practitioner, or physician assistant providing written  
24 reports to the Board on forms provided by the Board.

25                   If Respondent is determined to be unable to practice safely as a registered nurse,  
26 the licensed physician, nurse practitioner, or physician assistant making this determination shall  
27 immediately notify the Board and Respondent by telephone, and the Board shall request that the  
28 Attorney General's office prepare an accusation or petition to revoke probation. Respondent

1 shall immediately cease practice and shall not resume practice until notified by the Board.  
2 During this period of suspension, Respondent shall not engage in any practice for which a license  
3 issued by the Board is required until the Board has notified Respondent that a medical  
4 determination permits Respondent to resume practice. This period of suspension will not apply  
5 to the reduction of this probationary time period.

6 If Respondent fails to have the above assessment submitted to the Board within  
7 the 45-day requirement, Respondent shall immediately cease practice and shall not resume  
8 practice until notified by the Board. This period of suspension will not apply to the reduction of  
9 this probationary time period. The Board may waive or postpone this suspension only if  
10 significant, documented evidence of mitigation is provided. Such evidence must establish good  
11 faith efforts by Respondent to obtain the assessment, and a specific date for compliance must be  
12 provided. Only one such waiver or extension may be permitted.

13 **15. Participate in Treatment/Rehabilitation Program for Chemical**  
14 **Dependence.** Respondent, at her expense, shall successfully complete during the probationary  
15 period or shall have successfully completed prior to commencement of probation a Board-  
16 approved treatment/rehabilitation program of at least six months duration. As required, reports  
17 shall be submitted by the program on forms provided by the Board. If Respondent has not  
18 completed a Board-approved treatment/rehabilitation program prior to commencement of  
19 probation, Respondent, within 45 days from the effective date of the decision, shall be enrolled in  
20 a program. If a program is not successfully completed within the first nine months of probation,  
21 the Board shall consider Respondent in violation of probation.

22 Based on Board recommendation, each week Respondent shall be required to  
23 attend at least one, but no more than five 12-step recovery meetings or equivalent (e.g., Narcotics  
24 Anonymous, Alcoholics Anonymous, etc.) and a nurse support group as approved and directed  
25 by the Board. If a nurse support group is not available, an additional 12-step meeting or  
26 equivalent shall be added. Respondent shall submit dated and signed documentation confirming  
27 such attendance to the Board during the entire period of probation. Respondent shall continue

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1 with the recovery plan recommended by the treatment/rehabilitation program or a licensed  
2 mental health examiner and/or other ongoing recovery groups.

3           **16. Abstain from Use of Psychotropic (Mood-Altering) Drugs.** Respondent  
4 shall completely abstain from the possession, injection or consumption by any route of all  
5 controlled substances and all psychotropic (mood altering) drugs, including alcohol, except when  
6 the same are ordered by a health care professional legally authorized to do so as part of  
7 documented medical treatment. Respondent shall have sent to the Board, in writing and within  
8 fourteen (14) days, by the prescribing health professional, a report identifying the medication,  
9 dosage, the date the medication was prescribed, the Respondent's prognosis, the date the  
10 medication will no longer be required, and the effect on the recovery plan, if appropriate.

11           Respondent shall identify for the Board a single physician, nurse practitioner or  
12 physician assistant who shall be aware of Respondent's history of substance abuse and will  
13 coordinate and monitor any prescriptions for Respondent for dangerous drugs, controlled  
14 substances or mood-altering drugs. The coordinating physician, nurse practitioner, or physician  
15 assistant shall report to the Board on a quarterly basis Respondent's compliance with this  
16 condition. If any substances considered addictive have been prescribed, the report shall identify a  
17 program for the time limited use of any such substances.

18           The Board may require the single coordinating physician, nurse practitioner, or  
19 physician assistant to be a specialist in addictive medicine, or to consult with a specialist in  
20 addictive medicine.

21           **17. Submit to Tests and Samples.** Respondent, at her expense, shall  
22 participate in a random, biological fluid testing or a drug screening program which the Board  
23 approves. The length of time and frequency will be subject to approval by the Board.  
24 Respondent is responsible for keeping the Board informed of Respondent's current telephone  
25 number at all times. Respondent shall also ensure that messages may be left at the telephone  
26 number when she is not available and ensure that reports are submitted directly by the testing  
27 agency to the Board, as directed. Any confirmed positive finding shall be reported immediately  
28 to the Board by the program and Respondent shall be considered in violation of probation.

1 In addition, Respondent, at any time during the period of probation, shall fully  
2 cooperate with the Board or any of its representatives, and shall, when requested, submit to such  
3 tests and samples as the Board or its representatives may require for the detection of alcohol,  
4 narcotics, hypnotics, dangerous drugs, or other controlled substances.

5 If Respondent has a positive drug screen for any substance not legally authorized  
6 and not reported to the coordinating physician, nurse practitioner, or physician assistant, and the  
7 Board files a petition to revoke probation or an accusation, the Board may suspend Respondent  
8 from practice pending the final decision on the petition to revoke probation or the accusation.  
9 This period of suspension will not apply to the reduction of this probationary time period.

10 If Respondent fails to participate in a random, biological fluid testing or drug  
11 screening program within the specified time frame, Respondent shall immediately cease practice  
12 and shall not resume practice until notified by the Board. After taking into account documented  
13 evidence of mitigation, if the Board files a petition to revoke probation or an accusation, the  
14 Board may suspend Respondent from practice pending the final decision on the petition to  
15 revoke probation or the accusation. This period of suspension will not apply to the reduction of  
16 this probationary time period.

17 18. **Mental Health Examination.** Respondent shall, within 45 days of the  
18 effective date of this Decision, have a mental health examination including psychological testing  
19 as appropriate to determine her capability to perform the duties of a registered nurse. The  
20 examination will be performed by a psychiatrist, psychologist or other licensed mental health  
21 practitioner approved by the Board. The examining mental health practitioner will submit a  
22 written report of that assessment and recommendations to the Board. All costs are the  
23 responsibility of Respondent. Recommendations for treatment, therapy or counseling made as a  
24 result of the mental health examination will be instituted and followed by Respondent.

25 If Respondent is determined to be unable to practice safely as a registered nurse,  
26 the licensed mental health care practitioner making this determination shall immediately notify  
27 the Board and Respondent by telephone, and the Board shall request that the Attorney General's  
28 office prepare an accusation or petition to revoke probation. Respondent shall immediately

1 cease practice and may not resume practice until notified by the Board. During this period of  
2 suspension, Respondent shall not engage in any practice for which a license issued by the Board  
3 is required, until the Board has notified Respondent that a mental health determination permits  
4 Respondent to resume practice. This period of suspension will not apply to the reduction of this  
5 probationary time period.

6           If Respondent fails to have the above assessment submitted to the Board within  
7 the 45-day requirement, Respondent shall immediately cease practice and shall not resume  
8 practice until notified by the Board. This period of suspension will not apply to the reduction of  
9 this probationary time period. The Board may waive or postpone this suspension only if  
10 significant, documented evidence of mitigation is provided. Such evidence must establish good  
11 faith efforts by Respondent to obtain the assessment, and a specific date for compliance must be  
12 provided. Only one such waiver or extension may be permitted.

13           **19. Therapy or Counseling Program.** Respondent, at her expense, shall  
14 participate in an on-going counseling program until such time as the Board releases her from this  
15 requirement and only upon the recommendation of the counselor. Written progress reports from  
16 the counselor will be required at various intervals.

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DATED: 3-13-08

## ENDORSEMENT

DATED: 3/19/08

AMANDA DODDS  
Legal Analyst  
Attorneys for Complainant

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**Exhibit A**  
**Accusation No. 2008-139**



1 EDMUND G. BROWN JR., Attorney General  
of the State of California  
2 LINDA K. SCHNEIDER, State Bar No. 101336  
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3 AMANDA DODDS  
Legal Analyst  
4 California Department of Justice  
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Facsimile: (619) 645-2061

8 Attorneys for Complainant

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10 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
11 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2008-139

13 DENISE M. PETROVICH TREJO  
14 430 Escondido Avenue  
Vista, CA 92083

**A C C U S A T I O N**

15 Registered Nurse License No. 503248

16 Respondent.  
17

18 Complainant alleges:

19 PARTIES

20 1. Ruth Ann Terry, M.P.H, R.N (Complainant) brings this Accusation solely  
21 in her official capacity as the Executive Officer of the Board of Registered Nursing, Department  
22 of Consumer Affairs.

23 2. On or about September 9, 1994, the Board of Registered Nursing issued  
24 Registered Nurse License Number 503248 to Denise (Petrovich) Trejo (Respondent). The  
25 Registered Nurse License was in full force and effect at all times relevant to the charges brought  
26 herein and will expire on November 30, 2007, unless renewed.

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1 (b) Use any controlled substance as defined in Division 10  
2 (commencing with Section 11000) of the Health and Safety Code, or any  
3 dangerous drug or dangerous device as defined in Section 4022, or alcoholic  
4 beverages, to an extent or in a manner dangerous or injurious to himself or herself,  
5 any other person, or the public or to the extent that such use impairs his or her  
6 ability to conduct with safety to the public the practice authorized by his or her  
7 license.

8 (c) Be convicted of a criminal offense involving the prescription,  
9 consumption, or self-administration of any of the substances described in  
10 subdivisions (a) and (b) of this section, or the possession of, or falsification of a  
11 record pertaining to, the substances described in subdivision (a) of this section, in  
12 which event the record of the conviction is conclusive evidence thereof.

13 (d) Be committed or confined by a court of competent jurisdiction  
14 for intemperate use of or addiction to the use of any of the substances described in  
15 subdivisions (a) and (b) of this section, in which event the court order of  
16 commitment or confinement is prima facie evidence of such commitment or  
17 confinement.

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19 8. Section 490 of the Code states:

20 A board may suspend or revoke a license on the ground that the licensee  
21 has been convicted of a crime, if the crime is substantially related to the  
22 qualifications, functions, or duties of the business or profession for which the  
23 license was issued. A conviction within the meaning of this section means a plea  
24 or verdict of guilty or a conviction following a plea of nolo contendere. Any  
25 action which a board is permitted to take following the establishment of a  
26 conviction may be taken when the time for appeal has elapsed, or the judgment of  
27 conviction has been affirmed on appeal, or when an order granting probation is  
28 made suspending the imposition of sentence, irrespective of a subsequent order  
under the provisions of Section 1203.4 of the Penal Code.

9. Section 492 of the Code states:

Notwithstanding any other provision of law, successful completion of any  
diversion program under the Penal Code, or successful completion of an alcohol  
and drug problem assessment program under Article 5 (commencing with section  
23249.50) of Chapter 12 of Division 11 of the Vehicle Code, shall not prohibit  
any agency established under Division 2 ([Healing Arts] commencing with  
Section 500) of this code, or any initiative act referred to in that division, from  
taking disciplinary action against a licensee or from denying a license for  
professional misconduct, notwithstanding that evidence of that misconduct may  
be recorded in a record pertaining to an arrest.

. . . .

10. Section 493 of the Code states:

Notwithstanding any other provision of law, in a proceeding conducted by  
a board within the department pursuant to law to deny an application for a license  
or to suspend or revoke a license or otherwise take disciplinary action against a

1 person who holds a license, upon the ground that the applicant or the licensee has  
2 been convicted of a crime substantially related to the qualifications, functions, and  
3 duties of the licensee in question, the record of conviction of the crime shall be  
4 conclusive evidence of the fact that the conviction occurred, but only of that fact,  
5 and the board may inquire into the circumstances surrounding the commission of  
6 the crime in order to fix the degree of discipline or to determine if the conviction  
7 is substantially related to the qualifications, functions, and duties of the licensee in  
8 question.

9 As used in this section, "license" includes "certificate," "permit,"  
10 "authority," and "registration."

11 11. Section 125.3 of the Code provides, in pertinent part, that the Board may  
12 request the administrative law judge to direct a licensee found to have committed a violation or  
13 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation  
14 and enforcement of the case.

15 12. Title 16, California Code of Regulations, section 1444, states:

16 A conviction or act shall be considered to be substantially related to the  
17 qualifications, functions or duties of a registered nurse if to a substantial degree it  
18 evidences the present or potential unfitness of a registered nurse to practice in a  
19 manner consistent with the public health, safety, or welfare. . . .

20 13. Title 16, California Code of Regulations, section 1445 states:

21 . . . .

22 (b) When considering the suspension or revocation of a license on the  
23 grounds that a registered nurse has been convicted of a crime, the board, in  
24 evaluating the rehabilitation of such person and his/her eligibility for a license will  
25 consider the following criteria:

- 26 (1) Nature and severity of the act(s) or offense(s).
- 27 (2) Total criminal record.
- 28 (3) The time that has elapsed since commission of the act(s) or offense(s).
- (4) Whether the licensee has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against the licensee.
- (5) If applicable, evidence of expungement proceedings pursuant to Section 1203.4 of the Penal Code.
- (6) Evidence, if any, of rehabilitation submitted by the licensee.

1 **DRUGS**

2 14. Methamphetamine is a Schedule II controlled substance as designated by  
3 Health and Safety Code section 11055(d)(2), and is a dangerous drug pursuant to Business and  
4 Professions Code section 4022.

5  
6 **FIRST CAUSE FOR DISCIPLINE**

7 **(September 25, 2003 Criminal Conviction for Reckless Driving on May 25, 2003)**

8 15. Respondent has subjected her license to disciplinary action under sections  
9 490 and 2761(f) of the Code in that Respondent was convicted of a crime that is substantially  
10 related to the qualifications, functions, and duties of a Registered Nurse. The circumstances are  
11 as follows:

12 a. On or about September 25, 2003, in a criminal proceeding entitled  
13 *People v. Denise Michelle Petrovich*, in Los Angeles County Superior Court, Case No.  
14 3NE01281, Respondent was convicted on her plea of nolo contendere for violating Vehicle Code  
15 section 23103, reckless driving, a misdemeanor.

16 b. As a result of the conviction, on or about December 15, 2003,  
17 Respondent was placed on 36 months summary probation and required to serve five days in the  
18 county jail (with credit for five days served), perform eight days of community service, attend  
19 Narcotics Anonymous meetings for one year (52 meetings); and pay fees, fines, and restitution in  
20 the amount of \$400.

21 c. The circumstances that led to the conviction were that on or about  
22 the early morning hours of May 25, 2003, a Newhall California Highway Patrol (CHP) officer  
23 observed Respondent make an illegal U-turn and run a red light while driving on Valencia  
24 Boulevard in Los Angeles. Following a traffic stop, the CHP officer asked Respondent for her  
25 driver's license, registration, and proof of insurance. The officer observed that Respondent's  
26 eyes were twitching and her pupils were extremely dilated. She was fidgety and rifled through  
27 many piles of paperwork looking for her driver's license, which she was never able to produce.  
28 Because of her behavior, the officer asked her to exit her vehicle. The officer observed that she

1 would continually rub her hands up and down her arms, lift her feet up and down, and shake her  
2 hands. Due to obvious outward symptoms of drug intoxication, the CHP officer asked  
3 Respondent when she used her last hit of drugs. Respondent replied that she had consumed a  
4 line of methamphetamine approximately five hours earlier. Respondent also admitted she had  
5 consumed a dose of Ativan earlier in the morning. The officer had Respondent perform five  
6 Field Sobriety Tests, all of which she failed. Respondent further admitted that she was aware her  
7 driver's license was suspended. In a search subsequent to her arrest and booking, the CHP  
8 officer removed a wallet Respondent had attached to her belt. During the search of the wallet,  
9 the officer found a straw and a small bundle of a white powdery substance that appeared to be  
10 methamphetamine. The officer asked Respondent if the substance was methamphetamine, and  
11 she admitted it was. A sample of Respondent's urine tested positive for amphetamine. The  
12 white powdery substance tested positive for methamphetamine.

### 13 14 **SECOND CAUSE FOR DISCIPLINE**

#### 15 **(Unprofessional Conduct - Possession of a Controlled Substance on May 25, 2003)**

16 16. Respondent has subjected her license to disciplinary action under section  
17 2762(a) of the Code in that Respondent was in possession, and admitted she was in possession of  
18 a controlled substance, methamphetamine, when she was arrested on May 25, 2003, as detailed  
19 in paragraph 15(c), above. Methamphetamine is a Schedule II controlled substance as designated  
20 by Health and Safety Code section 11055(d)(2), and is a dangerous drug pursuant to Business  
21 and Professions Code section 4022.

### 22 23 **THIRD CAUSE FOR DISCIPLINE**

#### 24 **(Unprofessional Conduct - Use of a Controlled Substance on May 23, 2003)**

25 17. Respondent has subjected her license to disciplinary action under section  
26 2762(b) of the Code in that Respondent was under the influence of a controlled substance, and  
27 admitted she used a controlled substance, methamphetamine, when she was arrested on May 25,  
28 2003, as detailed in paragraph 15(c), above.

1 **FOURTH CAUSE FOR DISCIPLINE**

2 **(November 3, 2006 Criminal Conviction for Two Counts of Battery in 2006)**

3 18. Respondent has subjected her license to disciplinary action under sections  
4 490 and 2761(f) of the Code in that Respondent was convicted of a crime that is substantially  
5 related to the qualifications, functions, and duties of a Registered Nurse. The circumstances are  
6 as follows:

7 a. On or about November 3, 2006, in a criminal proceeding entitled  
8 *People v. Denise Trejo*, in San Diego County Superior Court, Case No. CN212587, Respondent  
9 was convicted on her plea of guilty for violating Penal Code section 243(e)(1), misdemeanor  
10 battery of a current or former significant other on May 26, 2006 and October 13, 2006.

11 b. As a result of the conviction, on or about November 3, 2006,  
12 Respondent was sentenced to one day in the custody of the sheriff, summary probation for three  
13 years, complete five days in the Public Service Work Program, attend and complete a 52-week  
14 Domestic Violence Rehabilitation Program, and payment of fees, fines, and restitution in the  
15 amount of \$620. A protective order was issued pursuant to Penal Code section 136.2.

16 c. The circumstances that led to the conviction were that on or about  
17 May 26, 2006, a San Diego County Sheriff's Deputies responded to a family disturbance call at  
18 the home shared by Respondent, her husband (victim), and their two-year-old daughter. As the  
19 deputies approached the residence, they heard what sounded like someone being slapped  
20 repeatedly. The deputies entered the home and saw the husband standing in the kitchen  
21 surrounded by broken glass on the floor. The deputies observed several red marks and scratches  
22 on the husband's torso. While the husband was interviewed outside of the home by one deputy,  
23 the other deputy located Respondent standing on a bed holding her daughter. Respondent  
24 admitted to the deputy that she had battered her husband. The deputy observed fresh blood drops  
25 throughout the bedroom. Respondent told the deputy she became angry at her husband and threw  
26 a vase at him. The vase broke and she stepped in the broken glass and cut her foot. Respondent  
27 admitted to punching her husband earlier in the day and that she knew her actions were wrong.

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1. Revoking or suspending Registered Nurse License Number 503248, issued to Denise Petrovich Trejo;

3. Taking such other and further action as deemed necessary and proper.

SD2006700645